

MINUTES

RANDOLPH COUNTY ZONING BOARD OF ADJUSTMENT

August 5, 2003

The Randolph County Zoning Board of Adjustment met at 6:30 p.m. on Tuesday, August 5, 2003, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the Members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Phil Ridge, present; Larry Brown, present; and Chris McLeod, present.
3. **Craven** made the motion, seconded by **Ridge**, to **approve** the minutes of the July 8, 2003, Randolph County Planning Board meeting. The motion passed unanimously.
4. **Swearing in of the Witnesses:**

"Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

2 citizens took this oath.

5. **REQUESTS FOR A VARIANCE:**

- A. **KEITH ELKES**, Archdale, North Carolina, is requesting a variance to allow a 4 ft. side setback in lieu of the 10 ft. side setback requirement. Property Location: 3353 Spencer Road, .43 acre, New Market Township, Randleman Lake Watershed, Zoning District RR, Tax ID# 7737217896.

**** Arguments for Granting this Request**

Nick Kitner, General Contractor, 6987 Flint Hill Road, Sophia, was present with the property owner, Keith Elkes.

Kitner explained that the house was staked off wrong, but they were aware of the 10 ft. setback requirement. Kitner said that Elkes owns the property adjoining this lot. **Elkes** said that this lot and the other lot he owns are grandfathered because they were platted prior to the current lot size requirements. Kitner said that this mistake was made due to a large tree on the property line. Kitner said that they did not have the lot surveyed until the house was almost complete.

Brown asked if the adjoining lot was the same size and **Elkes** answered yes. **Johnson** asked if additional land could be added to the lot and **Kitner** said that it would make the adjoining lot a non-buildable lot.

Elkes said that he plans to build on the adjoining lot and further off this property line. **Johnson** asked if the house could be set back 20 feet from this house and **Elkes** answered yes. Brown said that it bothered him that a survey was not done before the house was constructed on such a small lot.

**** Arguments Against Granting this Request**

There was no one present in opposition to this request.

**** Board Discussion: Conclusions Based on Findings of Fact**

Johnson explained that the Board could place a setback condition on the adjoining lot that he owns.

Ridge said that this appears to be a mistake that should not have been made. Ridge asked if the line was moved, could he still build on the adjoining lot. **Johnson** answered no. Johnson said that the lot is half the current required size.

Craven said he would hate to be the homeowner of this lot with the house only 4 feet off the property line. **Dorsett** added that there is also an air-conditioning unit within this 4 feet.

Dorsett said that the variance could only be granted if it prevents the owner from using the property. Dorsett said that it is the obligation of the property owner to measure the setbacks. Dorsett said that there is still no evidence that the property owner was negligent.

**** Order of the Board of Adjustment**

Dorsett made the motion, seconded by **McLeod**, that this motion be approved with the condition that the adjoining lot be required to have a 16 ft. side setback. The motion passed by a vote of 5 to 1. **Brown** voted against the motion.

6. The meeting adjourned. There were 2 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**